

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARY ANN LAMKIN and
STEVE LAMKIN,

Plaintiffs,

Case No. 11-12962

v.

Hon. John Corbett O'Meara

HAMBURG TOWNSHIP, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On July 8, 2011, Plaintiffs filed their complaint, which alleges various violations of 42 U.S.C. § 1983 as well as claims of nuisance, trespass/malicious destruction of property, and intentional infliction of emotional distress.

Although alleged civil rights violations brought pursuant to 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Plaintiffs' state law claims of nuisance, trespass/malicious destruction of property, and intentional infliction of emotional distress are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: July 29, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 29, 2011, using the ECF system.

s/William Barkholz
Case Manager